

TO-US DISTRICT COURT, N
PAID 002

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District Court

APR - 5 2007

Robert D. Bradshaw
PO Box 473
1530 W. Trout Creek Road
Calder, Idaho 83808
Phone 208-245-1691

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Plaintiff, Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW

) Case No. CV 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (hereafter referred to
as the CNMI); et. al.
Defendants

) **DECLARATION OF ROBERT D.**
) **BRADSHAW IN SUPPORT OF**
) **PLAINTIFF'S MOTION TO VACATE**
) **ORDER OF OCT 13 DISALLOWING**
) **PLAINTIFF TO RECOVER COSTS FOR**
) **SERVICE ON DEFENDANT SOSEBEE**
) Hearing: MAY 10 2007
) Time: 9:00 AM
) Judge Alex R. Munson

I, ROBERT D. BRADSHAW, hereby declare (under 28 USC 1746, etc):

1. I am the plaintiff in civil case 05-0027 in the US District Court (USDC) for the Northern Mariana Islands (NMI). I have personal knowledge of the information set forth herein, and if called upon to testify, I would and could competently testify thereto.

2. On Oct 12, 2005, Bradshaw mailed from Calder, ID a certified letter with return receipt and complaint and amended complaint and summons to L David Sosebee at Box 3185, Bryan, TX. per the attached certified mail receipt (Exhibit A).

3. In early Nov 2005 the certified mail packet was returned to Bradshaw with a note refused (see Ex B). The original of this document is now on file with the NMI USDC (as filed on Nov 14, 2005 as "Affidavit in Support of Motion to Serve L. David Sosebee by Publication and for a Change to the Period Allowed for service from 120 days to 240 days"). .

4. On Nov 14, 2005, Bradshaw then filed the just cited Affidavit in Support of Motion to Serve L. David Sosebee by Publication and for a Change to the period allowed for Service from 120 days to 240 days with the USDC describing what happened.

5. Mr Sosebee was served by newspaper publication in late 2005.

6. On Apr 24, 2006, Sosebee filed the Defendant Sosebee's Notice of Motion to Quash Service of Summons: Declaration (under 28 USC 1746) of Sosebee [Fed. R. Civ. P. 4 AND 12 (b) (5)] where in his declaration, paragraph 5, he denied ever receiving the 1st amended complaint. He said nothing about the basic complaint or the mailing he refused in Oct 2005. He did acknowledge receiving a 2d amondod complaint mailed by regular first class mail in Mar-Apr 2006.

7. On Jun 12, 2006, the USDC NMI issued its Order Re: Motions Heard on June 8, 2006 (Ex E). On lines 10-11 of page 6, the Court suggested attempting service on Mr Sosebee by waiver as is authorized in the Federal Rules by mailing a first class letter to the party with the summons and complaint.

8. On Jun 21, 2006, Bradshaw mailed from Calder, ID the waiver, complaint and summons in a large flat rate priority mail box by first class mail to Sosebee at Box 3185, Bryan, TX 77805 by first class mail with a delivery confrmation and paid receipt (Ex C). No response came back to Bradshaw from Mr Sosebee or from Bryan, TX.

9. On Jun 27, 2006, the US Post Office records show the mailing delivered to Mr Sosebee in Bryan TX zip 77805 (Ex D)--either in person or being left in his post office box (as this mailing was a large priority mail box, it was possibly delivered to him in person at his post office Box 3185 in Bryan, TX). Bradshaw then proceeded to serve Mr Sosebee a second time by publication as authorized in the Court's order.

10. On Sep 14, 2006, Bradshaw filed his Affidavit of Mailing of Waiver to Defendant Sosebee and Motion for Defendant L. David Sosebee to Show Cause on Why He should Not be Assigned Costs of service which asked for damages/costs of \$214.30.

11. On Sep 21, 2006, US Post Office show that the status of mailing to Bryan Texas was "Notice Left" at Bryan, TX, zip 77805 (Ex D and E).

12. On Sep 29, 2006, Mr Sosebee through his attorney filed Opposition to Plaintiff's Motion for Defendant L. David Sosebee to Show Cause on Why he Should not be Assigned Costs of Service. This motion had attached a declaration under perjury from Mr Sosebee which declared that he moved from Bryan, TX to Austin, TX on Jun 5, 2006 (para 2); that his mailing address in Bryan was Box 3185 and that he has not checked the box since leaving Bryan (para 3); that he filed a change of address with the Postal Service to have his mail from Bryan forwarded to his new address in Austin, TX and that he has received mail from Box 3185 in Bryan as forwarded by the Post Office (para 4); that he has subsequently been having his mail properly forwarded from Bryan, TX to his new address in Austin, TX; and that he has received no forwarded mail from Bradshaw (para 4).

13. The oral hearing on this motion was held on Oct 12, 2006. The USDC NMI on Oct 13, 2006 issued its Notice of Order Denying Plaintiff's Motion for Costs of Service Upon

Defendant Sosebee.

14. On Nov 7, 2006, the US Post Office records show that the mailing to Bryan, TX was delivered a second time to Mr Sosebee in Bryan TX at zip 77805.

15. Based on this backdrop, plaintiff unsuccessfully tried to have a subpoena issued to subpoena the postal records for Mr Sosebee in Bryan, Texas. Failing this option, plaintiff contacted a private investigator and process service at Matrix Information Services to run a check at the post office on Mr Sosebee's alleged change of address. The declaration of Charles Stipe of Matrix is attached herewith at Exhibit F.

16. This backdrop raises questions of possible perjury and fraud upon the USDC in the NMI for the following reasons.

a. Mr Stipe lays out exactly what happened. Mr Sosebee did arrange for the temporary forwarding of his mail to Austin for 15 days on Jun 5, 2006 (whether Mr Sosebee actually moved or not for up to 15 days is open to question). This temporary forwarding order expired on Jun 20, 2006 and Mr Sosebee again started receiving his mail at Box 3185 in Bryan, Texas on Jun 20, 2006. Since Jun 20, 2006, Mr Sosebee continues to receive his mail at that box in Bryan until this date.

b. In his Sep 25-29, 2006 declaration to the USDC, Mr Sosebee never submitted any evidence to the court that he had in fact changed his address. If he had mail delivered to him from Box 3185 in Bryan to Austin under a permanent change of address after Jun 19, 2006, then the forwarded mail would have contained a post office forwarding identification as the Post Office routinely uses a label to attach to mail being forwarded which shows the new address. Mr Sosebee would have had some of these mailing labels from

Bryan on mail he received if he had been receiving such mail in Austin as he claimed under perjury laws. He submitted none of this evidence to the court.

c. As a minimum, if Mr Sosebee had a valid change of address on file at the Post office in Bryan after Jun 19, 2006 then the Post office would have forwarded the Jun 21, 2006 mailing from Calder, ID to Mr Sosebee's new address in Austin, TX. The Post office did not forward this letter, but instead delivered it to Mr Sosebee in Bryan TX on Jun 27, 2006 (Ex D).

d. Yet, on Sep 21, 2006, the Bryan Post Office reports that it had that day issued a notice (to Sosebee at zip 77805) supposedly advising him of the Calder ID mail being available to him for pick up in Bryan, TX (Ex D and E). As a minimum by then, the Bryan Post office had handled this mailing a second time and without forwarding it to Austin, TX if Mr Sosebee had a valid address change on file in Bryan as he claimed in his declaration under perjury of Sep 2006.

e. It is unclear what circumstances could precipitate a delivery of priority mail on Jun 27, 2006 and yet have it surface at the same Bryan Post office with a "Notice Left" on Sep 21, 2006. The local Caldor, Idaho Post master suggests that probably the priority mail was indeed delivered on Jun 27, 2006 (either to him in person or by placing it in his still open and being used Post Office Box 3185) and that Mr Sosebee may have returned it to the Post office for some ostensible reason anytime between Jun 27 and Sep 21, 2006). He could have handed it back to a postal clerk with some explanation that it was in the wrong box; didn't belong to him; or something else. For that matter, he could have easily dropped the mail in the post office mail box and the Post office would have merely handled it routinely

once more, a second time. Not understanding the background and story on the mail, a postal clerk in Bryan could have issued the "Notice Left" to Box 3185 (and especially if the priority mail was in a large flat rate box as was true with this mailing by plaintiff to Mr Sosebee).

f. In para 3 of Mr Sosebee's declaration, Mr Sosebee says that his address in Bryan was (past tense) Box 3185 and then adds that "I have not checked the contents of that P.O. Box since leaving Bryan..." This is a dangling participle with both features of past and present tenses. As a minimum, it must be interpreted to mean that Mr Sosebee did not check the box from Jun 5, 2006 (when he allegedly moved) until the date of his declaration (which would have been before his declaration was filed in Sep 2006).

g. The essence of this dangling participle is that Post Office Box 3185 in Bryan was not closed when he allegedly moved on Jun 5, 2006. Since it was still his box and was still open to him, as Mr Stipe confirmed with the Bryan post office, Mr Sosebee's declaration is saying that he never checked his box after Jun 5, 2006 and until late Sep 2006; but was allegedly having his mail forwarded to him in Austin.

h. This situation is totally confusing because if he did move, it logically follows that he closed his box and had his mail forwarded. But this is not what happened. His box remained open to him and his mail (at least his priority mail from Bradshaw after Jun 19, 2006) was not forwarded to Austin. Mr Sosebee then makes the excuse that he had not checked the box since moving on Jun 5, 2006 (which implies that he continued to receive mail there as actually happened after Jun 19, 2006 but that he just did not pick it up). Actually, this is a subtle admission that he did not close his box when he allegedly moved. Obviously, if the priority mail from Bradshaw was placed in the box on Jun 27, 2006 (since his

mail was being delivered to him in Bryan after Jun 19, 2006), it means that either Mr Sosebee picked it up then or sometime by Sep 21, 2006 when he completed his declaration.

i. Regardless, the Bryan, TX Post office handled the mail a second time near Sep 21, 2006 without forwarding it to Mr Sosebee in Austin TX if Mr Sosebee indeed did have an address change on file in Bryan as he has claimed.

j. Certainly, from Sep 21, 2006 until Nov 7, 2006, it is clear that Bradshaw's priority mail was languishing at the post office in Bryan TX and was never forwarded to Austin as should have happened if Mr Sosebee indeed did have a change of address on file in Bryan TX.

k. Then, after the court hearing on Bradshaw's Motion to show cause (which happened on Oct 12, 2006) and after the court order of Oct 13, 2006 denying Costs to Bradshaw, the Bradshaw letter of Jun 21, 2006 mysteriously is delivered on Nov 7, 2006 in Bryan TX. zip 77805, to Mr Sosebee (Fx F).

l. The matter is further complicated because around Oct 1, 2006, Bradshaw checked Mr Sosebee's status with the Texas Bar Association on the Internet. Their response on Mr Sosebee is at Exhibit G. It shows that Mr Sosebee did change his mailing address to Box 1382 in Austin, TX but that his primary practice area was Bryan, Texas. Evidently, this update happened around 18 Aug 2006 per the Bar Assn.

m. This bar assn. report is entirely possible as Bryan is within driving distance from Austin. Possibly Mr Sosebee did move his residence from Bryan to Austin as he claimed; but continued to work in Bryan. If he was indeed working in Bryan, he logically continued to keep his Bryan Post office box open and very plausibly continued to receive his

mail there (as indeed happened after Jun 19, 2006). Clearly, he received Bradshaw's letter in Bryan (as delivered to him or possibly placed in his box on Jun 27, 2006) sometime from Jun 27 to Sep 21, 2007. On or about Sep 21, 2006, he obviously placed Bradshaw's packet back into the post office mail circulation channel by some plausible method.

17. There has never been any proof submitted to the Court that Mr Sosebee's address was changed from Bryan, TX to Austin, TX from Jun 19, 2006 through Oct 12, 2006. All the court has is Mr Sosebee's word. But as shown in Exhibits A to F, there is legitimate cause to question whatever Mr Sosebee states even in a declaration under the laws of perjury.

18. It seems impossible that the Bryan, TX Post office held the priority mail to Mr Sosebee for almost five months and handled it at least three times without forwarding it to Austin, TX if there was a proper address change on file in Bryan.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.


Dated this 6th day of APRIL 2007 at Calder, Idaho.


Robert D. Bradshaw, Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of APR 2007, I caused to be served a true copy of the foregoing document by US Mail Postage Paid to each of the following:

Jay H. Sorensen, c/o Shanghai, PO Box 9022, Warren, MI 48090-9022
CNMI Attorney General, Caller Box 10007, Capitol Hill, Saipan, MP 96950
Mark B. Hanson, PMB 738, PO Box 10,000, Saipan, MP 96950


Robert D. Bradshaw, Plaintiff, Pro Se

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To: BR/AR TX 77805-3185

Postage	\$ 3.85
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.90

7099 3220 0001 3672 1769

NAME (Please Print & Classify) (To be completed by mailer)
L. DAVID JENSEN

Street, Apt. No., or PO Box No.
PO Box 3185

City, State, ZIP+4
IRVING TX 77805-3185

PS Form 3800, July 2002 PSN 7530-02-000-9000 See Reverse for Instructions

0007
Postmarked
JUN 5
2006
USPS

19

24

EXHIBIT
A
7000

To-US DISTRICT COURT, N Page 001

From-

Received Apr-06-2007 09:44

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

L. DAVID JOSEPH
PO Box 3185
Bryan, TX 77805-3185

**2. Article Number
(Transfer from service label)**

7099 3220 0001 3672 1769

PS Form 3811, August 2001

Domestic Return Receipt

102505-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

D. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

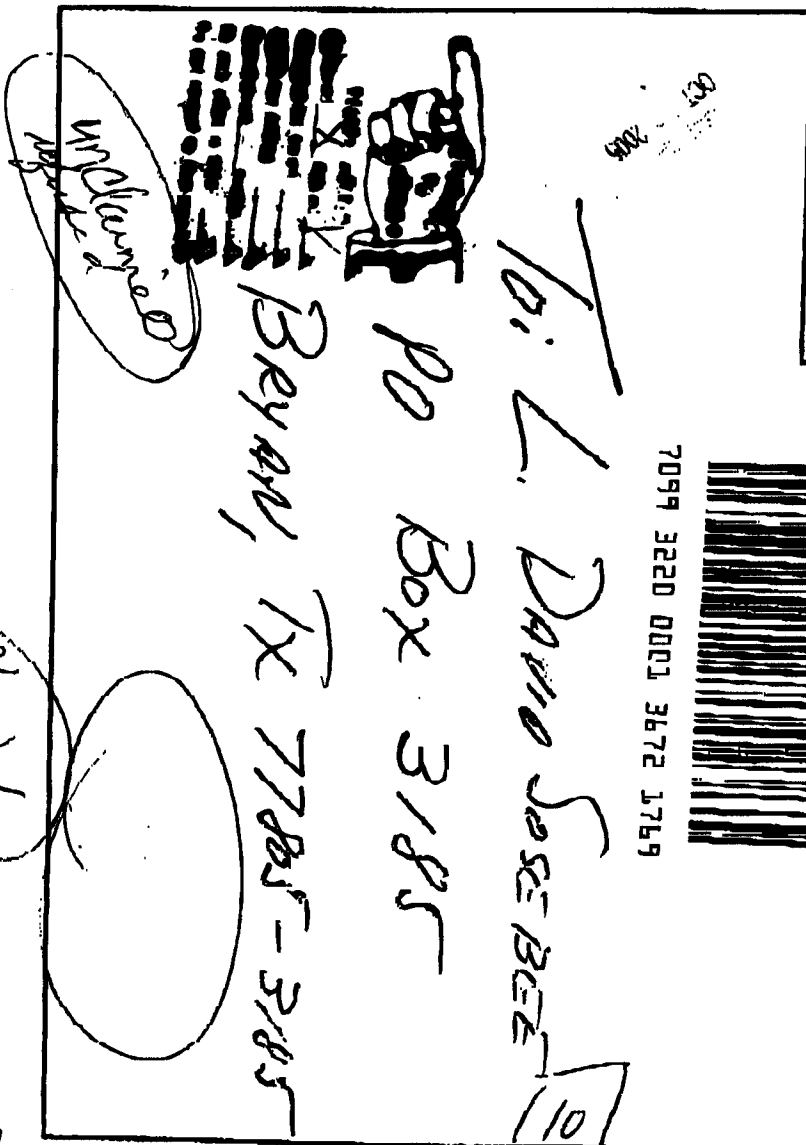
☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Robert Brantley
PO Box 473
Cater, ID 83808-0473

7099 3220 0001 3672 1769



CERTIFIED MAIL

U.S. POSTAGE & METS. DEPT.
WASHINGTON, D.C. 20262-4242
www.usps.gov

FOR PICKUP ONLY

2005



UNITED STATES POSTAL SERVICE
 FIRST CLASS PERMIT NO. 1000 NEW YORK, NY 10001
 MAY 15 2006
 FAX
 EXP
 4665.2
 6070
 11:50 PM
 TIME

U.S. Postal Service Delivery Confirmation Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Mark Fee (to be completed by mailing)

DAVID BOZEMAN
 666 X 2185
 BRYAN, T. 77805-3185

POSTAL CUSTOMER:
 Keep this receipt. For inquiries: Access
 Internet web site at www.usps.com
 or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)
☒ Priority Mail
☐ Standard Mail (B)

(Post Returned)

DELIVERY CONFIRMATION NUMBER:
 0304 7790 0000 304G 3501

POSTMARK
 CATHERINE
 JUN 21
 2006
 USPS

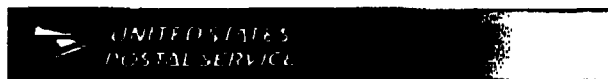
PS Form 3800, March 1999

To: US DISTRICT COURT, N Page 003

Received Apr-06-2007 03:44 From-

Direct Query - Intranet - "Extensive" Search

Page 1 of 1



Track/Confirm - Intranet Item Inquiry
Item Number: 0304 7990 0000 3040 3501

The item(s) you queried are summarized below. If you would like to request a delivery record check the box in the "Select" column to the right of the item (if available). Learn more about Restore,

Detail	Item	Origin	Destination	Firm	Recipient	Event/Image Info	Date
	03047990000030403501		77805			NOTICE LEFT	09/21/20
Archived	03047990000030403501		77805			DELIVERED	06/27/20

Enter Request Type and Item Number:

Quick Search ☒Extensive Search ☐
[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on multiple items.

Go to the Product Tracking System Home Page.

Ex D
10/10/2006

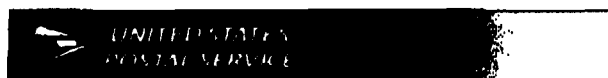
To-US DISTRICT COURT, N Page 004

From-

Received Apr-06-2007 03:44

Direct Query - Intranet - "Quick" Search

Page 1 of 1



Track/Confirm - Intranet Item Inquiry - Domestic

Item: 0304 7990 0000 3040 3501

Destination	ZIP Code: 77805	City: BRYAN	State: TX
Origin	ZIP Code:	City:	State:

Record Restored on 01/26/2007

Special Services	Associated Labels	Amount
DELIVERY CONFIRMATION (Retail)		

Event	Date/Time	Location	Scanner ID
DELIVERED	11/07/2006 12:23	BRYAN, TX 77805	K765281
NOTICE LEFT	09/21/2006 05:32	BRYAN, TX 77805	K730837

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐
[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on multiple items.

Go to the Product Tracking System Home Page.

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1/26/2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW

) Civil Action No. 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (hereafter referred to
as the CNMI); et. al.

Defendants

) DECLARATION OF CHARLES
) STIPE OF MATRIX INFORMATION
) SERVICES

I, CHARLES STIPE, under penalty of perjury, declare as follows:

1. I am an individual currently residing in TX and am employed by Matrix Information Services at 3708 E. 20th, Suite 130, Bryan, TX 77802, Phone 978-846-3593.
2. At the request of Robert Bradshaw in connection with service of process on Mr L. David Sosebee at Box 3185, Bryan, TX 77805, I contacted the Bryan, TX Post Office in March 2007.
3. The Bryan, TX post office informed me that Mr Sosebee filed a temporary post office forwarding order on June 5, 2006 with his mail to be forwarded for fifteen days to 1730 Timber Ridge #141, Austin, TX. On June 20, 2006 the order ended and service to Mr Sosebee resumed at Box 3185, Bryan, TX 77805. Since June 20, 2006, Mr Susebee has been receiving mail at Box 3185 in Bryan, TX (see the attached post office order).

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Signed this 27 day of March, 2007 at Bryan, Texas.

Charles Stipe
Charles Stipe, Matrix Information Service



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Stf

TO-US DISTRICT COURT, N PARA 000

FIRM

RECEIVED APR-08-2007 09:44

Postmaster
Bryan, TX 77802
City, State, ZIP Code

Date 03-09-07

Request for Change of Address or Boxholder
Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: L. David SosebeeAddress: P.O. Box 3185 Bryan 77805

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(4)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester (e.g., process server, attorney, party representing himself or herself): _____
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se - except a corporation acting pro se must cite statute): Supreme Court Authorization 594-1672
3. The names of all known parties to the litigation: Robert D. Bradshaw -vs- L. David Sosebee
4. The court in which the case has been or will be heard: United States District Court for the Northern Mariana Islands
5. The docket or other identifying number if one has been issued: 05-0027
6. The capacity in which this individual is to be served (e.g., defendant or witness): I need to know if L. David Sosebee filed a postal change of address for P.O. Box 3185 last year. If so when was it filed?

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OR NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

Charles Stipe
SignatureCharles Stipe
Printed Name3108 E 29th
AddressBryan, TX 77802
City, State, ZIP Code

FOR POST OFFICE USE ONLY

- ☒ MAIL IS DELIVERED TO ADDRESS GIVEN
☐ NOT KNOWN AT ADDRESS GIVEN
☐ MOVED, LEFT NO FORWARDING ADDRESS
☐ NO SUCH ADDRESS
☐ OTHER (SPECIFY): _____

NEW ADDRESS

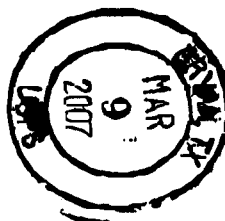
BOXHOLDER'S STREET ADDRESS

607 B Cache Cove
77802

Postmark/Date Stamp

Agency Return Address

05
 6/25/2006 → Austin
 6/20/2014 → P.O. Box 3185



1730 Tinker Rd #148
 Austin, TX 78741

155

Gf

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From-

Received Apr-06-2007 03:44

Home About the State Bar Member Directory

Detailed Result

Leslie David Sosebee Bar Card Number*: 18855640
 Work Address P.O. Box 1382 Austin, TX, 78767-1382

Work Phone Number

Primary Practice Location BRYAN, Texas

Current Member Status

Eligible To Practice In Texas License Information

State Bar Card Number*: 10055640

Texas Licensed*: 11/04/1983

Practice Information

Firm: No information reported by attorney

Firm Size: None Specified

Occupation: Government Lawyer

Primary Practice Areas: Administrative and Public Services Provided:

Are language translation services available? Not Specified

Are hearing impaired translation services available? Not Specified

Are ADA accessible client services available? Not Specified

Assistance available in languages:

No information reported by attorney

Courts of Admittance:

Federal Courts of Admittance.

Fifth Circuit Court of Appeals Ninth Circuit Court of Appeals

Other Courts of Admittance:

No information reported by attorney Other States Where authorized to practice:

No Other States reported by attorney Education and Certification

History

Law Schools:

Law School Graduation Date Degree Earned

University Of Houston 05/1983 Doctor of Jurisprudence/Juris Doctor (J.D.)

Texas Board of Legal Specialization Certifications:

No profile data on file for Texas Board of Legal Specialization Certification

Public Disciplinary History

Public Disciplinary History - Texas*:

Public Disciplinary History - Other:

No information reported by attorney

Statutory Profile Last Certified On: 08/18/2006

For information about a specific disciplinary sanction listed above, please call (877)953-5535.

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Ex 5